

Appl. No. 09/762,586

Art Unit 1761

December 12, 2003

Reply to Office Action of September 23, 2003

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Claims 1-7 and 10-22 are pending in the present application. Claims 4, 14 and 22 have been amended. Claims 1-3, 5-7, 12-13 and 16-22 have been allowed. No new matter has been added by way of these amendments. The amendments to claims 4 and 14 merely incorporate the allowable subject matter from claim 1, and are further supported by the present specification in the paragraph bridging pages 6-7. The amendment to claim 22 is merely for clarification purposes (i.e., the chemical leavening agent comprises both a gas generating agent and a leavening acid), and is not narrowing in scope. Page 7, lines 1-5 of the present specification supports this amendment. Thus, Applicants reserve the right to pursue any equivalent feature of this claim.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 103(a)

Claims 4, 10-11 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yong et al. '315 (U.S. Patent no. 4,381,315).

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Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

Applicants traverse this rejection because the USPTO is engaging in "piecemeal examination", whereby the patentability of the cited claims should have been disputed at least once in the previous several Office Actions. See M.P.E.P. § 707.07(g). Claim 4 is an originally filed claim, claims 10-11 and 14-15 were first presented in Applicants' response dated October 25, 2001, and the same Yong '315 reference is being cited in the outstanding Office Action (which was first cited in the Office Action of July 27, 2001). Thus, Applicants respectfully submit that the present rejection is improper and should be withdrawn.

Second, Applicants respectfully refer the Examiner to the scope of the instantly pending claims. Claims 4 and 14 include the allowable subject matter of claim 1 (and as indicated by the Office Action in paragraph 3, page 2). The other disputed claims depend on claim 4 and 14. Thus, the disputed claims are patentable distinct from the cited Yong '315 reference.

Therefore, Applicants respectfully submit that all pending claims are in condition for allowance, and respectfully request a declaration to that effect from the USPTO.

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Issues Under 35 U.S.C. § 112, Second Paragraph

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph, for an asserted reason of indefiniteness. Applicants respectfully traverse.

Applicants respectfully refer the Examiner to claim 22 as instantly shown. Claim 22 recites clear and definite claim language, and fully complies with the provision of 35 U.S.C. § 112, second paragraph. Thus, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. There remain no other outstanding issues. Further, Applicants have taken substantial steps in efforts to advance prosecution of the present application. Accordingly, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number shown below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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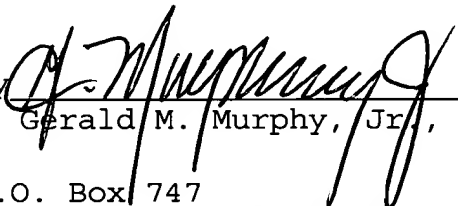
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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(Rev. 09/30/03)